

In re Appln. of Pent ado et al.  
Application No. 09/854,859

*REMARKS*

The Examiner is thanked for her careful consideration of the present application. In order for the Office to fully consider the amendments and remarks made herein, this Response is being submitted concurrently with a Request for Continued Examination under 37 CFR § 1.114.

In response to the Office Action, applicants have cancelled, without prejudice, claims 1 and 2; amended claim 3; and added claims 4 and 5. With respect to the informal matters set forth in the Office Action, as recognized therein, applicants will submit a revised specification upon an indication that the claims presented herein are allowable. With respect to the section 103 rejections, applicants respectfully submit that one of ordinary skill in the art would not be motivated to modify the principal reference, U.S. Patent No. 5,700,782 to Cope et al., in light of any of the secondary references. Cope is directed toward a liquid enteral nutritional product for persons with cancer who are not currently undergoing radiation therapy and/or chemotherapy. It is respectfully submitted that there is no motivation in the secondary references to modify the Cope product to arrive at the claimed composition for reducing hypercholesterolemia and high blood homocysteine levels.

*Conclusion*

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Paul J. Filbin, Reg. No. 51,677  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: November 26, 2003